

Grant County Planning Commission

April 25th, 2005

The April 25 2005 regular meeting of the Planning Commission was called to order by Chairman John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Vernon Webster, Nick Kinman, Bill Marksberry, Marvin Faulkner, Marlon Kinsey, Howard Brewer Jr., William Covington, Attorney: Tom Nienaber, Engineer: Ray Erpenbeck, Administrator: Jonathan Britt, Secretary: Becky Ruholl

There was a quorum present.

ITEM 1: MARCH MINUTES

Nick Kinman stated that item number 2 should read that Vernon Webster made the motion and Nick Kinman seconded the motion.

Vernon Webster stated that Mr. Wallace had said that the Commission should make changes to the sidewalk requirements and KRS states that can only be done by a Legislative Body. Jonathan Britt stated that he had discussed the issue with Mr. Erpenbeck and they had decided that all the cities should require sidewalks except in the Industrial zones and in that zone it would be required that a sidewalk be put in to connect 2 existing sidewalks.

Vernon Webster asked if the CBD zone in Dry Ridge says "when required". Jonathan Britt stated that it did and was very vague and normally the CBD zones are in the downtown district and would already have sidewalks in place but the Bowling property was out of the downtown area and did not have sidewalks in place.

Vernon Webster made a motion to approve the March meeting minutes, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2: MARCH FINANCIAL REPORT

Nick Kinman made a motion to approve the March financial report, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3: ADMINISTRATORS REPORT

Jonathan stated that the KAPA Spring Conference is going to be held on May 18th through May 20th 2005 and if any of the Commissioners want to attend to let him know so that they can be registered. He also stated that June 27th there is going to be an event in Williamstown called the Great Race and a large number of people are expected in the town and also the Courthouse will be closed. He said that is the date of the Commission meeting and the Commissioners may want to change the meeting to Tuesday the 28th.

Howard Brewer Jr. made a motion to move the June meeting to Tuesday June 28th, 2005, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 4: TEXT AMENDMENT- CITY OF DRY RIDGE

Article 10 Section 10.8 Neighborhood Commercial Zone

Mike Mulvey stated they were asking to amend the City Zoning Ordinance that had been adopted in 1982; he said that they were still working on the new Ordinance. He said that they were requesting an amendment to Section 10.8a, the Neighborhood Commercial Zone. He said that the Ordinance only has 2 commercial zones, the Central Business District and the Neighborhood Commercial Zone and does not have a Highway Commercial Zone or a high intense Commercial District. He said that a Business would like to locate on Meeks Road in the Neighborhood Commercial Zone and the Council agreed to request the amendment to the Ordinance. He stated that the request was to add to number 42 under Permitted Uses Heavy Equipment and Truck along with Automotive and that all servicing and repairing shall be in an enclosed building and that the outdoor uses should only be used for temporary storage or the automobiles, heavy equipment and/or washing of the automobiles, heavy equipment and/or trucks. He said that the request was to also add Heavy Equipment Sales and Rentals, Field Servicing Trucks and Dispatching Center, Retail Sales of Machinery, Parts and Warehousing of Same and Outdoor Wash Racking to Clean Vehicles when Serviced.

Jonathan Britt asked if the City considered these as Conditional Uses instead of Permitted Uses. Mr. Mulvey stated that they did but chose to request them as Permitted Uses.

Jack Gatlin, attorney representing The Bank of Kentucky who owns the property on Meeks Road, said that they have been pursuing a buyer and Wayne Supply is interested in purchasing the property. He stated that they currently operate in Lexington in the I-2 or HC Zone. He said that other similar businesses in Dry Ridge are operating in the Neighborhood Commercial Zone but Wayne Supply wanted to be more comfortable operating in the Neighborhood Commercial Zone and wanted this specific language added to the Zoning Ordinance for Dry Ridge. He said that the City is fixing a problem by adding this language. He said that the added uses are no different than what current businesses are doing in the City they are just adding those uses to the list of Permitted Uses in the Neighborhood Commercial zone.

Jonathan Britt asked why they were requesting them as Permitted Uses and not Conditional Uses. Mr. Gatlin said that they felt if they would request a Conditional Use it would be a legal maneuver that they did not want.

Jonathan Britt stated that by adding these uses to the Permitted Uses it is creating a new identity for the Neighborhood Commercial Zone and Heavy Commercial Uses should be in an Industrial Zone or in Highway Commercial Zone. He said that if these are added to the Permitted Uses that anyone in the Neighborhood Commercial Zone could operate these type businesses. Mr. Gatlin said that they had discussed several options for Wayne Supply and they had decided that this was the way to proceed and to have the decision by the Commission and not by a small group in the City of Dry Ridge. Jonathan Britt said that the request to add uses to the Conditional Use section would come before the Commission. He said that the Board of Adjustments is there to hear requests and make a decision that will protect the area. He also said that he had rewritten the City Ordinance in 2004 and that Ordinance had a Highway Commercial Zone with this type of use listed. He asked why Dry Ridge hadn't adopted the new Ordinance. Mr. Gatlin stated that he did not know he just knew that there was currently no Highway Commercial Zone in the City of Dry Ridge.

Chairman John Lawrence asked if anyone wished to speak for or against the request.

Charlie Phillips stated that he owns property on Meeks road which is within 400 feet of this property. He said that he was on the Board of Adjustments when they let Arts Rental open their business and he believes that was a good decision. He said that he is for Wayne Supply moving into the City because it will provide jobs and business for the area. He said that he would hate to see a reliable company delayed from moving into the County or decide to move out of the County.

Chairman John Lawrence declared the public hearing closed.

Howard Brewer asked if there would be large equipment such as bulldozers being washed outside. A representative of Wayne Supply stated that they would be washing large equipment outside. He said that it would be an EPA approved wash rack facility and that most of the water would be recycled.

Mr. Brewer said that his concern was that when equipment is washed and the water is allowed to flow on the ground that the farmers below the area have the grease and oil get into the drinking water of their animals. He asked if they should require that the facilities contain the wash water. Chairman, John Lawrence said that the EPA already requires them to do so.

Vernon Webster said that if or when Dry Ridge does accept the new Ordinance and these uses are in the Highway Commercial Zone and not the Neighborhood Commercial Zone could that cause a problem. Mr. Mulvey said that the City would zone an area with the correct zone for wherever business is there. He said that this property is already zoned Neighborhood Commercial they are just broadening the uses in the zone.

Marlon Kinsey asked if the traffic of large equipment in that area would cause any problems. Jonathan Britt said that was one of the problems with allowing the uses as a Permitted Use. He said that the uses should be look at as Conditional Uses so that the Board of Adjustments could look at setting certain limitations to be sure that the uses can co-exist with existing properties and uses in the area. He said that the Board determines through the Community what conditions are needed to help limit the friction between the businesses.

Mr. Mulvey said that the City has decided to make these uses Permitted Uses in the Neighborhood Commercial Zone.

Howard Brewer said that since the Bank of Kentucky owns this property he will excuse himself from further discussion and voting because he is a stock holder in the Bank.

Mr. Neinaber stated that the Commission would be making a recommendation to the City of Dry Ridge.

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Jonathan Britt asked the reason why the City had not adopted the updated Ordinance that was presented to them in 2004. Mr. Mulvey said that they had been making changes and had brought those changes to Jonathan. He said that they City has asked the Area Development District to help them with presenting a final draft to the Commission.

Jonathan Britt said that the Commission had recommended approval of the new Ordinance and he wondered why the City hadn't taken any action. Mr. Mulvey said that they City had elected to not take the next step with that Ordinance.

Vernon Webster made a motion to recommend approval of the requested text amendment for Dry Ridge, Marvin Faulkner seconded the motion.

Mr. Neinaber said that the commission was only making a recommendation to the Legislative Body and the Legislative Body has the final say in the amendment.

Nick Kinman asked if the Commission turned down the request if the City could approve it. Mr. Neinaber said that the City could set aside the recommendation of the Commission or accept the recommendation.

A hand vote was taken, Vernon Webster: yes, Nick Kinman: yes, Bill Marksberry: yes, Marvin Faulkner: yes, Marlon Kinsey: no, Howard Brewer Jr.: abstained, William Covington: yes. Motion passes.

ITEM 5: ZONE CHANGE -Bowers and Worthington

APPLICANT: Marjorie Bowers and Garnett Worthington

GENERAL LOCATION: Lying and being in Grant County, Kentucky at 1030 Bannister Pike Dry Ridge, KY 41035

REQUEST: Agricultural - One (A1) to Residential One A (R1-A)

Chairman John Lawrence declared the public hearing open.

Mr. Wallace, attorney representing the applicants, stated that this request was to rezone a 2 acre parcel from Agricultural One to Residential One A to allow the existing house to be cut from the farm and sold. He said that the Future Land Use Map for this area shows the property as low density and the Residential One A Zone is low density. He said that the request is within the Comprehensive Plan and meets the requirements of KRS 100.

Chairman John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

Chairman John Lawrence declared the public hearing closed.

Jonathan Britt stated that he did not write a recommendation for the request and that his only concern was the 15 foot ingress and egress easement and asked if there was a written agreement for that easement.

Mr. Wallace said that the property would be transferred subject to that easement.

Jonathan Britt said that there are no environmental concerns and because there were no additional homes and there would be no impact on the traffic.

Howard Brewer Jr. asked about the future development of the remaining property.

Mr. Wallace said that the remaining 59 acres would be marketed as farmland.

Mr. Brewer said that he was removing himself from further discussion and voting because his daughter and son-in-law were considering purchasing the remaining property and he felt it would be a conflict if he were to continue in the discussion.

Mr. Neinaber stated that Mr. Brewer's vote would be counted with the majority.

Mr. Covington asked if there were only two adjoining property owners.

Mr. Wallace said that was correct.

Marvin Faulkner made a motion to approve the zone change request from Agricultural One to Residential One-A because it is not in conflict with the Comprehensive Plan, Vernon Webster seconded the motion. A roll call vote

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was taken Howard Brewer Jr.: abstained, Vernon Webster: yes, Nick Kinman: yes, Bill Marksberry: yes, Marvin Faulkner: yes, Marlon Kinsey: yes, William Covington: yes, Motion passes 7 to 0.

ITEM 6: SUMMERFIELD PHASE 1 - IMPROVEMENT PLAT

Howard Brewer Jr. returned to the discussion.

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Logan Murphy stated that the plat showed 42 lots and lot 34 was a 3 acre lot with an existing home and barns.

Vernon Webster said that the plat showed a pump station with a 6 inch force main and asked where that was being pumped to. Mr. Murphy said that it would be pumped to the City of Dry Ridge.

Marvin Faulkner asked if the pump station was installed yet? Mr. Murphy said that they have applied to the Transportation Department and the Rail Road for right-of-way. He said that it would be done as a separate project and would be a joint agreement with Summerfield and the Grant County Board of Education.

Vernon Webster asked if a 6 inch line was large enough? Mr. Murphy said that the 6 inch line would be more than adequate.

John Lawrence asked if the lane going back to the existing home was private. Mr. Murphy said that it was a private lane.

Jonathan Britt asked if there was a reason that both streets had the same name. Mr. Murphy said that since the roads forked off they thought that naming them differently would cause confusion. Jonathan Britt said that the street names should be discussed with 911 before the final plat is approved.

Vernon Webster made a motion to approve the plat for Summerfield Phase 1, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 7: CONVEYANCE PLATS - MARCH

William Covington made a motion to approve the March Conveyances, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 8: EXECUTIVE SESSION

Nick Kinman made a motion to go into executive session to discuss personnel, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Vernon Webster made a motion to come out of executive session, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Chairman John Lawrence stated that no action was taken.

ITEM 9: OTHER BUSINESS

none

ITEM 11: ADJOURNMENT

Nick Kinman made a motion to adjourn, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE

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